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ON BEHALF OF DEFENDANTS

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DATED: October 1, 2004

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CERTIFICATE OF SERVICE

I hereby certify that I, Thomas M. Sobol, an attorney, caused a true and correct copy of the foregoing Status Report to be served on all counsel of record electronically on October 1, 2004, pursuant to Section D of Case Management Order No. 2.

/s/ Thomas M. Sobol

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MDL 1456 STATUS CHART – GOVERNMENT ENTITY CASES

GOVERNMENT ENTITY CASES	MDL DOCKET NUMBER	ORIGINAL JURISDICTION	STATUS
Montana v. Abbott Labs., Inc. et al.	02-CV-12084-PBS	Removed to D. Mont.	<ul style="list-style-type: none"> • September 10, 2004 – B. Braun of American Inc.’s Renewed Motion to Dismiss the State of Montana’s Second Amended Complaint <i>sub judice</i> <ul style="list-style-type: none"> ○ September 24, 2004 – Plaintiff State of Montana’s Opposition to B. Braun of America Inc.’s Renewed Motion to Dismiss, including Cross-Motion for Stay Pending Resolution of Class Plaintiffs’ Motion to Compel B. Braun of America Inc. to Make Supplemental 30(b)(6) Designation <i>sub judice</i> ○ September 30, 2004 – B. Braun of America Inc.’s Opposition to Montana’s Cross-Motion for Stay Pending Resolution of Class Plaintiffs’ Motion to Compel B. Braun of America Inc. to Make Supplemental 30(b)(6) Designation • September 21, 2004 – State of Montana’s Motion to File Its Joinder in Class Plaintiffs’ Motion to Compel B. Braun of America and Class Plaintiffs’ Supplement to Their Opposition to B. Braun’s Motion to Dismiss and accompanying Joinder <ul style="list-style-type: none"> ○ September 21, 2004 – State of Montana’s Joinder in Class Plaintiffs’ Motion for Leave to File Reply In Support of Motion to Compel B. Braun of America and accompanying Reply ○ September 23, 2004 – B. Braun of America Inc.’s Opposition to Plaintiff State of Montana’s Motion to join in Class Plaintiffs’ Motion to Compel B. Braun of America and Supplement to their Opposition to B. Braun’s Motion to Dismiss ○
Nevada v. American Home Products, Inc. et al (“Nevada II”)	02-CV-12086-PBS	Removed to D. Nev.	<ul style="list-style-type: none"> • No pending motions
California <i>ex rel.</i> Ven-A-Care of the Florida Keys, Inc. v. Abbott Labs., Inc. et al.	03-CV-11226-PBS	Removed to C.D. Cal.	<ul style="list-style-type: none"> • Renewed Motion to Remand <ul style="list-style-type: none"> ○ September 29, 2004 – Withdrawn by State of California and Relator

GOVERNMENT ENTITY CASES	MDL DOCKET NUMBER	ORIGINAL JURISDICTION	STATUS
County of Suffolk v. Abbott Labs., Inc. et al.	03-CV-10643-PBS	E.D.N.Y.	<ul style="list-style-type: none"> • Motions to Dismiss <i>sub judice</i> <ul style="list-style-type: none"> ○ Hearing held on December 12, 2003 ○ March 18, 2004 – Brief of the United States as Amicus Curiae ○ April 9, 2004 – Defendants’ Brief in Response to the Amicus Curiae Briefs of the United States and the Commonwealth of Massachusetts ○ April 23, 2004 – United States’ Reply Brief as Amicus Curiae ○ June 14, 2004 – Defendants’ Notice of Supplemental Authority in the Suffolk case ○ June 18, 2004 – Plaintiff Suffolk County’s Response To Defendants’ Notice Of Supplemental Authority ○ June 24, 2004 – Defendants’ Motion to Strike Plaintiffs’ Response to Defendants’ Notice of Supplemental Authority, or for Leave to File a Reply ○ June 28, 2004 – Plaintiff Suffolk County’s Opposition To Defendants’ Motion To Strike Suffolk’s Response To Defendants’ Notice Of Supplemental Authority ○ June 29, 2004 – Order denying Motion to Strike Response to Defendants’ Notice of Supplemental Authority
County of Rockland v. Abbott Labs., Inc. et al.	03-CV-12347-PBS	S.D.N.Y.	<ul style="list-style-type: none"> • No Pending Motions • Stipulation in place extending defendants’ time to answer until 30 days after decision on motions to dismiss Suffolk County complaint
County of Westchester v. Abbott Labs., Inc. et al.	n/a	S.D.N.Y.	<ul style="list-style-type: none"> • No Pending Motions • Stipulation in place extending defendants’ time to answer until 30 days after decision on motions to dismiss Suffolk County complaint

MDL 1456 STATUS CHART – PRIVATE CLASS CASES

PRIVATE CLASS CASES	MDL DOCKET NO.	ORIGINAL JURISDICTION	STATUS
Master Consolidated Class Action	Master File 01-CV-12257-PBS	D. Mass. pursuant to JPML Order	<ul style="list-style-type: none"> • April 27, 2004 – Plaintiff Suffolk County’s Motion Respecting Coordinated Discovery <i>sub judice</i> <ul style="list-style-type: none"> ○ May 11, 2003 – Response of Liaison Counsel to Suffolk County’s Motion Respecting Coordinated Discovery ○ May 24, 2004 – Plaintiff Suffolk County’s Reply on Motion Respecting Coordinated Discovery ○ May 26, 2004 – Plaintiffs’ Motion to File A Surreply In Opposition to Suffolk County’s Reply on Motion Respecting Coordinating Discovery; Liaison and Plaintiff Counsels’ Surreply to Suffolk County’s Reply on Motion Respecting Coordinated Discovery ○ May 28, 2004 – Memorandum of Bristol-Myers Squibb Company in Response To The Motion Of County Of Suffolk Addressing The Role Of Liaison Counsel For All Plaintiffs ○ May 28, 2004 – Response of Liaison Counsel to BMS Memorandum Addressing the Role of Liaison Counsel ○ June 22, 2004 – Order Granting Plaintiffs’ Motion for Leave to File a Surreply in Opposition to Suffolk County’s Reply on Motion Respecting Coordinating Discovery • May 3, 2004 – Plaintiffs’ Motion to Compel The Production of Documents Created During the Relevant Time Period from Defendants Abbott Laboratories, Astrazeneca, Schering Plough, Sicor and Together Rx Defendants <i>sub judice</i> (Magistrate Bowler) <ul style="list-style-type: none"> ○ May 17, 2004 – Certain Defendants’ Notice of Opposition to Plaintiffs’ Motion to Compel the Production of Certain Documents and Consent Motion for an Extension of Time ○ May 26, 2004 – Notice of Withdrawal of Plaintiffs’ Motion to Compel the Production of Documents Created During the Relevant Time Period Directed at Defendant Schering-Plough (<i>Note: withdrawal applies only to Schering-Plough</i>) ○ May 27, 2004 – Consent Motion for an Extension of Time to Oppose the Motion to Compel ○ May 27, 2004 – Opposition of the Together Rx Defendants to Plaintiffs’ Motion to Compel the Production of Documents ○ May 28, 2004 – Notice Of Withdrawal Of Plaintiffs’ Motion To Compel The Production Of Documents Created During The Relevant Time Period Directed At Defendant Abbott Laboratories

PRIVATE CLASS CASES	MDL DOCKET NO.	ORIGINAL JURISDICTION	STATUS
Master Consolidated Class Action (continued)			<p><i>(Note: withdrawal applies only to Abbott Laboratories)</i></p> <ul style="list-style-type: none"> ○ June 8, 2004 – Notice of Withdrawal of Plaintiffs’ Motion to Compel the Production of Documents Created During the Relevant Time Period Directed at Defendant AstraZeneca. <i>(Note: withdrawal applies only to AstraZeneca)</i> ○ June 9, 2004 – Plaintiffs’ Reply Memorandum In Support of Motion To Compel The Production of Documents Created During The Relevant Time Period From The Together Rx Defendants ○ June 22, 2004 – Order granting Plaintiffs’ Motion to Withdraw Motion to Compel Directed at Abbott Laboratories ○ June 22, 2004 – Order granting AstraZeneca’s Assented to Motion for Extension of Time to File Response to Plaintiffs’ Motion to Compel ○ June 22, 2004 – Order finding as Moot AstraZeneca’s Motion for Extension of Time to Oppose Plaintiffs’ Motion to Compel ○ Awaiting scheduling of hearing or ruling by Court as to Together Rx Defendants. <ul style="list-style-type: none"> • July 26, 2004 – Amgen Motion to Dismiss Corrected AMCC <i>sub judice</i> <ul style="list-style-type: none"> ○ August 9, 2004 – Plaintiffs’ Opposition to Amgen Motion to Dismiss Corrected AMCC ○ August 31, 2004 – Amgen’s Reply In Support of Motion to Dismiss Plaintiffs’ Corrected AMCC • August 24, 2004 – Plaintiffs’ Motion to Compel B. Braun of America to Make Supplemental Rule 30(b)(6) Designation <i>sub judice</i> (Magistrate Bowler) <ul style="list-style-type: none"> ○ September 10, 2004 – B. Braun of America Inc.’s Opposition to Plaintiffs’ Motion to Compel ○ September 21, 2004 – Plaintiffs’ Reply Brief In Support of Motion to Compel B. Braun of America to make Supplemental Rule 30(b)(6) Designation ○ October 13, 2004 – Hearing set on Plaintiffs’ Motion to Compel B. Braun of America to Make Supplemental Rule 30(b)(6) Designation • August 24, 2004 – Plaintiffs’ Motion to Add B. Braun Medical, Inc. as a Defendant <i>sub judice</i> <ul style="list-style-type: none"> ○ September 10, 2004 – B. Braun of America Inc.’s Opposition to Plaintiffs’ Motion to Add B. Braun Medical Inc. as a Defendant

PRIVATE CLASS CASES	MDL DOCKET NO.	ORIGINAL JURISDICTION	STATUS
Master Consolidated Class Action (continued)			<ul style="list-style-type: none"> ○ September 21, 2004 – Plaintiffs’ Motion for Leave to File Reply Brief in Support of Motion to Add B. Braun Medical, Inc. as a Defendant and accompanying Reply • August 31, 2004 – Defendants’ Motion to Compel Aetna U.S. Healthcare, Humana, Inc. and Cigna Corporation to Comply with Deposition Subpoenas <i>sub judice</i> (Magistrate Bowler) <ul style="list-style-type: none"> ○ September 13, 2004 – Non-Parties Aetna, Inc., Humana, Inc., and Connecticut General Life Insurance Company’s Opposition to Defendants’ Motion to Compel and Motion to Quash Subpoenas ○ September 27, 2004 – Defendants’ Opposition to Joint Motion of Aetna U.S. Healthcare, Humana, Inc., and Cigna Corporation to Quash Subpoenas • September 3, 2004 – Plaintiffs’ Motion for Class Certification <ul style="list-style-type: none"> ○ Response due by October 25, 2004 • September 10, 2004 – B. Braun of America Inc.’s Renewed Motion to Dismiss the Amended Master Consolidated Class Action Complaint <i>sub judice</i> <ul style="list-style-type: none"> ○ September 24, 2004 – Plaintiffs’ Response in Opposition to B. Braun of America’s Renewed Motion to Dismiss the Amended Master Consolidated Complaint and Cross-Motion for Stay Pending Resolution of Plaintiffs’ Motion to Compel B. Braun of America Inc. to Make Supplemental 30(b)(6) Designation <i>sub judice</i> ○ September 30, 2004 – B. Braun of America Inc.’s Opposition to Plaintiffs’ Cross-Motion for Stay Pending Resolution of Plaintiffs’ Motion to Compel B. Braun of America Inc. to Make Supplemental 30(b)(6) Designation
Master Consolidated Class Action (continued)			
Thompson v. Abbott Labs., Inc. et al.	03-CV-11286-PBS	Removed to N.D. Cal.	<ul style="list-style-type: none"> • Consolidated into Master Class Action
Turner v. Abbott Labs., Inc. et al.	03-CV-10696-PBS	Removed to N.D. Cal.	<ul style="list-style-type: none"> • Consolidated into Master Class Action
Congress of California Seniors v. Abbott Labs., Inc. et al.	03-CV-10216-PBS	Removed to C.D. Cal.	<ul style="list-style-type: none"> • Consolidated into Master Class Action
International Union of Operating Engineers, Local No. 68 Welfare Fund v. AstraZeneca PLC et al.	n/a	Removed to D.N.J.	<ul style="list-style-type: none"> • Motion to Remand filed in District of New Jersey prior to transfer; briefed while pending in District of New Jersey

